

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

<b>In the matter of:</b>	)	<b>Complaint No. R4-2004-0133</b>
	)	<b>Mandatory Minimum Penalty</b>
	)	<b>for</b>
<b>HPG Management</b>	)	<b>Violation of California Water Code § 13376</b>
<b>P.O. Box 1067</b>	)	<b>and</b>
<b>Beverly Hills, California 90213</b>	)	<b>Order No. 97-045 (NPDES No. CAG994001)</b>

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) § 13385(h) is issued to HPG Management (hereinafter Permittee) based on a finding of violation of waste discharge requirements prescribed in Order No. 97-045 (NPDES No. CAG994001, CI No. 7001).

**The Executive Officer (Executive Officer) of the Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds the following:**

1. The Permittee operates a groundwater dewatering system serving an apartment complex (hereinafter facility) located at 618 S. Detroit St., Los Angeles, California. The Permittee can discharge up to 14,000 gallons per day (gpd) of wastewater at the facility (Latitude 34° 04' 00", Longitude 118° 20' 38") consisting of extracted groundwater which the Permittee discharges to the area's storm drain system. The wastewater is susceptible of containing pollutants which can degrade water quality and impact beneficial uses of water, and which are defined as wastes under the Porter-Cologne Water Quality Control Act (CWC § 13000 et seq.). The wastewater flows through the storm drain system into Ballona Creek, a navigable water of the United States.
2. On June 30, 1997, the Executive Officer determined that the waste discharges from the Permittee's facility met the conditions to be enrolled under Board Order No. 97-045 adopted by the Regional Board on May 12, 1997, and the facility was so enrolled effective June 30, 1997. Board Order No. 97-045 serves as General NPDES permit No. CAG994001 (General National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements for Groundwater Discharges from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties).
3. Among the provisions in the Permittee's waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit quarterly NPDES self-monitoring reports to the Regional Board pursuant to the authority of CWC § 13383.

September 13, 2004

4. The Regional Board received the Permittee's self-monitoring report for the 4<sup>th</sup> Quarter 2003 on February 26, 2004, a total of 42 days after the due date of January 15, 2004.
5. CWC § 13385(h) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. CWC § 13385.1(a)(1) identifies a failure to file a discharge monitoring report required pursuant to CWC § 13383 for each complete period of 30 days following the deadline for submitting the report as a "serious violation".
6. A portion of the penalty not to exceed fifteen thousand dollars (\$15,000) plus fifty percent (50%) of the penalty amount that exceeds fifteen thousand dollars (\$15,000) may be directed to be expended on a Supplemental Environmental Project (SEP) pursuant to CWC § 13385(l).
7. The maximum amount of administrative civil liability assessable pursuant to CWC § 13385 for each day of violation is \$10,000 per day of violation plus \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

**YOU ARE HEREBY GIVEN NOTICE THAT:**

8. The Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty in the amount of \$3,000 for the violation which occurred on February 15, 2004.
9. A hearing shall be conducted on this Complaint by the Regional Board or Regional Board Hearing Panel (Hearing Panel) within 90 days after service of this Complaint on the Permittee pursuant to CWC §§ 13228.14 and 13323. The Permittee will be notified of the date, time and location of the hearing. The Permittee may waive the right to a hearing. Should the Permittee choose to waive the right to a hearing, an authorized agent must sign the waiver form attached to this Complaint and return the executed waiver to the Regional Board at 320 West 4<sup>th</sup> Street, Suite 200, Los Angeles, CA 90013, to be received by the Regional Board by the close of business on October 18, 2004. If the hearing is waived, the following options are available to satisfy the civil liability:
  - a. A check in the amount of \$3,000 (payable to the State Water Resources Control Board Waste Discharge Permitting Fund) shall accompany the signed waiver; or
  - b. The Permittee may propose to pay up to \$3,000 of the civil liability by contributing to a SEP on the Regional Board approved SEP List at [www.swrcb.ca.gov/rwqcb4/html/programs/enforcement.html](http://www.swrcb.ca.gov/rwqcb4/html/programs/enforcement.html). To the greatest degree practicable, there must be a nexus demonstrated with the violations cited in this Complaint and the chosen SEP. A description of the SEP selected shall be submitted to the Regional Board for approval by the Executive Officer by the close of business on October 18, 2004.

In the event that the Permittee proposes to invest in a SEP, the Permittee's written statement confirming that the Permittee contributed to a SEP on the SEP List will

be submitted along with the executed waiver and received by the Regional Board by the close of business on October 18, 2004.

In the event that the Permittee proposes to invest in a SEP, the Permittee shall pay \$3,000 to the chosen SEP on the SEP List by the close of business on October 18, 2004, and notify the Regional Board of the date, amount and method of payment by the close of business on October 18, 2004.

10. Notwithstanding the issuance of this Complaint, the Regional Board shall retain the authority to assess additional penalties for violations of the requirements of the Permittee's waste discharge requirements.
11. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code § 21000 et seq., in accordance with California Code of Regulations, title 14, § 15321.
12. Regulations of the US Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.

September 13, 2004

---

Jonathan Bishop  
Executive Officer  
Los Angeles Regional Water Quality Control Board

By signing below and returning this Waiver, I hereby waive the right of HPG Management to a hearing before the Regional Board to dispute the allegations and civil liability set forth in Administrative Civil Liability Complaint No. R4-2004-0133 (Complaint) issued by the Regional Board Executive Officer. HPG Management understands that this Waiver gives up the rights to contest the allegations of the Complaint and the amount of civil liability it imposes.

Position: \_\_\_\_\_